

GOVERNMENT

SIKKIM



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Monday 18th July, 2022

No. 284

GOVERNMENT OF SIKKIM
FOREST AND ENVIRONMENT DEPARTMENT
GANGTOK

No. 54/GOS/FED

Dated: 15/07/2022

NOTIFICATION

Whereas, the Ecosystems provide a wealth of services that are fundamental to ensure human well being and survival;

And whereas, as the Millennium Ecosystem Assessment has shown that despite their importance to human well-being and biodiversity, the world's freshwater ecosystems and the services they provide are constantly being degraded;

And whereas, land management in upstream ecosystems has profound effects on the services delivered downstream and once these ecosystem services are valued, ecosystem health can become a collective interest for upstream stewards and downstream users of these ecosystem services;

And whereas, in order to manage ecology, environment and climate change consistent with sustainable development, the State will need fiscal resources by which the State may undertake various activities for maintaining ecosystem services.

Now therefore, in exercise of the powers conferred by section 31 read with section 83 of the Sikkim Forests and Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely:-

Short title, extent and Commencement	1. (1) These rules may be called the Sikkim Payment for Ecosystem Services Rules, 2022. (2) They shall extend to the whole of Sikkim (3) They shall come into force on the date of their publication in the Official Gazette.
Definition	1. In these rules, unless the context otherwise requires; - (1) (a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;

- (b) "Categories of Industries" means the categories of industries as may be notified by the Department of Commerce and Industries, Government of Sikkim;
- (c) "forest land" includes the land shown as forest land in the record of rights including areas under perpetual snow, alpine, scrubs or alpine pasture or the land declared as forest land by the Government, by notification;
- (d) "form" means the form appended to these rules;
- (e) "Government/State" means the State Government of Sikkim;
- (f) "natural water" means water sources originating from any forest area or any natural area or forest land within Sikkim and includes water of rivers, streams and rivulets;
- (g) "notification" means the notification published in the Official Gazette;
- (h) "reserved forest" means any forest land settled and notified by the Government as reserved forest;
- (i) "river" includes any stream, channel, jhora, creek or other channel, natural, artificial or tributaries of the same;
- (j) "Schedule" means the Schedule appended to these rules;
- (k) "User" includes any person using any water source for the commercial purposes.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

Power of State Government to exempt user from the Payment for Ecosystem Services

3. The State Government may, by notification in the Official Gazette, exempt any user, consuming water below the quantity specified in the notification, from time to time, from the Payment for Ecosystem Services.

Power of State Government to demand Payment for Ecosystem Services

4. (1) The rate of Payment for Ecosystem services by the User for the use of any water source for the commercial purpose under the Act shall be as specified in the Schedule.

(2) The Conservator of Forest (Territorial) shall, after verification of the requirement and availability of natural water and considering the need to regulate its extraction, demand for Payment of Ecosystem Services as specified in the Schedule.

User to apply for the commercial use of natural water

5. Any User shall apply for the commercial use of natural water to the Conservator of Forests (Territorial) in Form-I to be accompanied by such documents and details as also application fee, as may be notified by the Government from time to time.

Intimation to Applicant

6. (1) The Conservator of Forests (Territorial) shall while approving such application made by the User, communicate to the User the annual payment required for commercial use of water under these rules and also the interest free security deposit equivalent to 6 (six) months payment payable by him/or her in Form-II.

(2) The security deposit shall be deposited in the name of Principal Chief Conservator of Forests-cum-Secretary.

Grant of Permission to user

7. (1) On payment payable under these rules by the User, the Conservator of Forests (Territorial) shall issue a permission in Form-III which shall be valid for a period of 2 (two) years.

(2) After the expiry of the validity of the permission mentioned in sub-rule (1) upon the User applying for renewal of the permission, the Conservator of Forests (Territorial) may renew the permission on satisfaction of the compliance of these rules.

Disconnection of supply

8. If any User fails to pay the payments payable under these rules, the Conservator of Forest (Territorial) may, serve 15 (fifteen) days notice in writing and on non-payment thereof the Conservator of Forest (Territorial) shall cancel the permission and stop further use of natural water by such user.

Recovery of dues

9. On cancellation of permission as provided in rule 8, the Conservator of Forest (Territorial) shall be empowered to forfeit the security deposit of such User and recover the outstanding dues of such User as arrears of land revenue.

Utilization

10. The revenue so mobilized shall be utilized in aid of the objectives of the Act and welfare activities of the State.

**Principal Chief Conservator of Forest-cum-Additional Chief Secretary
Forests and Environment Department
Government of Sikkim.**

SCHEDULE

(See rule 4)

Proposed payments payable for consumptive and non-consumptive usage of water

Proposed rate per cum of water drawl by hydro power projects	
HEAD in meters	Payments payable per cum in paise
Less than 30	3
31-60	7
61-90	10
91-180	15
181-300	25
greater than 301	50

Sl.	Category of Consumptive Use	Payments payable
1	Natural water for industrial purpose which also includes natural water consumed in manufacturing of finished products, industrial cooling proposes	Rs.30 per KL of water consumption
2	Industrial construction purpose or for domestic consumption in staff quarters/colony or labour camps in industrial establishments	Rs. 10 per KL per month
3	Dust suppression systems/sprinklers in Crushers Machines	Rs.10 per TPH (Crusher Capacity) per month

FORM - I
(See rule 5)

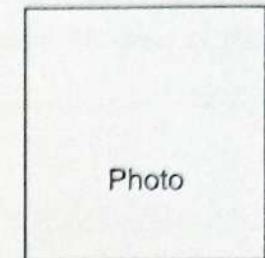
GOVERNMENT OF SIKKIM
FORESTS AND ENVIRONMENT DEPARTMENT
DEORALI, GANGTOK

Application Form for use of Natural Water usage under Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 and Sikkim Payment of Ecosystem Services Rules, 2022

Application No:.....

To,

The Conservator of Forests (Territorial)
Forests, Environment and Wildlife Management Department
Government of Sikkim
Gangtok



Dated: _____

Sir,

Please find enclosed herewith application form for use of natural water usage under Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 and Sikkim Payment of Ecosystem Services Rules, 2022 for

I/We shall abide by the standing rules/regulation and directives.

Yours faithfully,

(SIGNATURE & SEAL OF THE
APPLICANT/ORGANIZATION)

(TO BE FILLED IN CAPITAL LETTERS)

1. Name / Designation of the applicant:
2. Correct mailing address:
3. Location Address:
4. Name of the Department/ Organization:
5. Water Ecosystem Service is required for (Tick Mark)
 - a) Drinking/Construction/Factory/Institution/Commercial/HEP/Specific other uses: _____
 - b) State Government/ Private/Central/Others: _____
 - c) Quantity required: _____ Kiloliters/Cum./per month/per year Head used (in case of HEP)
5. Details of premises (Tick Mark): R.C.C/Non-R.C.C/Others: _____
6. Period of Water Ecosystem Service requirement (Tick Mark)
Permanent/Temporary/Requirement for construction/other uses: _____

I/We hereby certify that the above information is true and any subsequent changes contemplated shall be notified to the Department within 15 (fifteen) days prior to effecting such changes.

I/We hereby fully agree that apart from other reasons prescribed in the rules natural water connection may be disconnected in the event I/We violate any rules or regulation of the State Government.

I/We hereby declare that I/We am/are the owner/owners of the premises mentioned in the application and entire liability of payment payable under the Rules shall rest on me/us or on the person whomsoever / the Ownership/liability, if legally, transferred.

Signature:.....

Applicant:.....

HEAD OF THE DEPARTMENT/OFFICER
(in case of Govt. Agency)

FOR OFFICE USE ONLY

Applicant _____ (name & address) has applied for use of natural water Ecosystem Service at _____ (address of place where water is to be used). The applicant's requirement of _____ Kiloliters/Cum./per month/per year is available and the identification no. _____ is allotted to the applicant.

SEAL :

DIVISIONAL FOREST OFFICER
(TERRITORIAL DIVISION)

DATE :

Form-II
(See rule 6)

GOVERNMENT OF SIKKIM
FORESTS AND ENVIRONMENT DEPARTMENT
DEORALI, GANGTOK

No. _____

Date: _____

To _____

SUB: INTIMATION LETTER FOR PAYMENT PAYABLE FOR ECOSYSTEM SERVICES –
REGARDING

Dear Sir /Madam,

With reference to your application No. _____ dated _____ on the above subject, you are hereby advised to deposit the following sum under the Head(s) noted below and produce the receipt(s) in the office of the undersigned for further necessary action:

1. Security Deposit in the form of –

a. Term Deposit Receipt (TDR) in favour of Principal Chief Conservator of Forest-cum-Secretary of Forests and Environment Department for Rs. _____ on account of security deposit equivalent to six (6) months payment for natural water usage under Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 and Sikkim Payment of Ecosystem Services Rules, 2022 with a validity for a term of two years.

OR

b. Bank Guarantee in favour of Principle Chief Conservator of Forest-cum-Secretary of Forests and Environment Department for Rs. _____ on account of security deposit equivalent to six (6) months payment for natural water usage under Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 and Sikkim Payment of Ecosystem Services Rules, 2022 with a validity for a term of two years.

2. Three (3) months advance payment payable for natural water usage under Sikkim Forests, Water Courses and Road Reserve (Prevention and Protection) Act, 1988 and Sikkim Payment of Ecosystem Services Rules, 2022 amounting to Rs. _____/- to be paid every three months and shall be deposited under the Head 0406 – Forestry and Wildlife – 01 Forestry – 800 other receipts – 04 other misc. receipts.

3. The advance payment mentioned in Column No. 2 herein above will be on quarterly basis as – April to June, July to September, October to December and January to March every financial year.

4. User Identification Number:

Total Rs. _____ (Rupees) _____ only

CONSEVATOR OF FOREST(T)
FOREST AND ENVIRONMENT DEPARTMENT
GOVERNMENT OF SIKKIM

FORM III
(See rule-7)

**GOVERNMENT OF SIKKIM
FORESTS AND ENVIRONMENT DEPARTMENT
DEORALI, GANGTOK**

Ref. No. _____

Date: _____

PERMISSION

With reference to your Application No: _____ dated _____ and in terms of Sikkim Payment for Ecosystem Services Rules 2022, the permission for use of natural water Ecosystem Service is hereby granted to _____.

**CONSERVATOR OF FOREST (T)
FORESTS AND ENVIRONMENT DEPARTMENT
GOVERNMENT OF SIKKIM**